

Sixth Appellate District

San Jose, California

TUESDAY, FEBRUARY 14, 2006

H027023 PEOPLE v. HEARD

The judgment is reversed and the matter is remanded to the trial court to determine if defendant actually requested a *Marsden* hearing at his November 26, 2003 sentencing. If the trial court finds defendant *did* request a *Marsden* hearing at his November 26, 2003 sentencing, the trial court shall conduct such hearing. If the trial court conducts a *Marsden* hearing and determines that appointment of substitute counsel is *not required*, the original judgment shall be reinstated and affirmed. Should the trial court find that substitute counsel is required, the court is directed to appoint substitute counsel and proceed accordingly. In addition, if the trial court finds defendant *did not* make a request for a *Marsden* hearing at his sentencing, the original judgment shall be reinstated and affirmed. (not published)

(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)

Filed February 14, 2006

H027934 PEOPLE v. GARCIA

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: February 14, 2006

\*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

WEDNESDAY, FEBRUARY 15, 2006

(no minute approved orders)

THURSDAY, FEBRUARY 16, 2006

The following case is submitted this date:

H029142 PEOPLE v. CAMILO P.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and Jane Valdez Flor, Deputy Clerk.

H028116 PEOPLE v. MORA

Cause called and argued by Michael Mehr appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench and Elia, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, February 16, 2006 (continued)

H028526 PEOPLE v. WHITFIELD

Cause called and argued by Stacy Saetta appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027033 OTTEN v. APPLE COMPUTER, INC.

Cause called and argued by Kathleen B. Alvarado appearing for Appellant and by Joseph C. Liburt appearing for Respondent. Cause ordered submitted.

H027611 OTTEN v. APPLE COMPUTER, INC.

Cause called and argued by Kathleen B. Alvarado appearing for Respondent and by Joseph C. Liburt appearing for Appellant. Cause ordered submitted. Court is adjourned.

H0028802 PEOPLE v. SALCIDO

The order dismissing defendant's motion for modification of sentence is reversed. The trial court is directed to address the motion. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed February 16, 2006

H028066 PEOPLE v. COLIN

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: February 16, 2006

\*Before Elia, Acting P.J., Bamattre-Manoukian, J. and Duffy, J.

H027620 PEOPLE v. LORETO A.

The matter is remanded to the juvenile court with directions to exercise its discretion in setting minor's maximum term of confinement, pursuant to Welfare and Institutions Code section 731, subdivision (b). The juvenile court is further directed to (1) amend the dispositional orders and other relevant documents to reflect the dismissal of count 6, (2) strike the probation ineligibility findings from the dispositional orders, (3) declare count 2 and count 5 as felonies or misdemeanors, and (4) order the correction of the probation report to state the applicable punishment for count 5 and for the Penal Code section 186.22, subdivision (b) sentence enhancements to count 1 and count 2. In all other respects, the orders are affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed February 16, 2006

Sixth Appellate District

San Jose, California

Thursday, February 16, 2006 (continued)

H026987 PEOPLE v. CRANMER

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed February 16, 2006

H029564 HEATHER G. v. SUPERIOR COURT (DFCS)

The petition for extraordinary writ is denied. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 16, 2006

H028351 PEOPLE v. LEWIS

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: February 16, 2006

\*Before Rushing, P.J., Premo, J. and Bamattre-Manoukian, J.

FRIDAY, FEBRUARY 17, 2006

H028590 PEOPLE v. TALAVERA

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Duffy, J.)

Filed February 17, 2006

The following case is submitted this date:

H028243 NGUYEN on Habeas Corpus.

H028243 NGUYEN on Habeas Corpus

The order granting petition for writ of habeas corpus is reversed. The superior court is directed to address the issue of ineffective assistance of appellate counsel as related to the claim of insufficient evidence. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)

Filed February 17, 2006